

Senate Bill No. 425

CHAPTER 90

An act to add and repeal Section 26840.9 of the Government Code, to add and repeal Section 103626 of the Health and Safety Code, and to add and repeal Section 18308 of the Welfare and Institutions Code, relating to domestic violence.

[Approved by Governor July 20, 2001. Filed with
Secretary of State July 23, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 425, Torlakson. Contra Costa County: domestic violence.

Existing law provides for county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license is issued may be collected by the county clerks for deposit into these funds.

Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates. Existing law authorizes the board of supervisors of a county that has established a county children's trust fund to increase the fee for a certified copy of a birth certificate for purposes of the fund.

This bill would authorize the Board of Supervisors of Contra Costa County, until 2007, to increase fees, up to a maximum increase of \$2, for certified copies of marriage certificates, birth certificates, fetal death records and death records. The purpose of the fee increase would be to provide funding for governmental oversight and for the coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

The bill would specify that these fees shall only apply in Contra Costa County. The bill would also require the Contra Costa County Board of Supervisors to submit to the Assembly Judiciary Committee and the Senate Judiciary Committee, by July 1, 2006, a report regarding the receipt of these fees, the expenditure of these funds, and the outcomes achieved as a result of certain activities as specified.

This bill would make specified legislative findings regarding the need for special legislation.

The people of the State of California do enact as follows:

SECTION 1. (a) This act shall be known and may be cited as the Contra Costa County "Zero Tolerance for Domestic Violence" Act.

(b) The Legislature finds and declares the following:

(1) Domestic violence is a growing crime. In Contra Costa County, domestic violence-related felony filings increased 62 percent between 1998 and 1999.

(2) Domestic violence is ubiquitous. It cuts across all economic and education levels, all age groups, ethnicities, and other social and community characteristics.

(3) Domestic violence is insidious. It is characterized by a predictable, escalating cycle that can result in injury or death of victims, including children.

(4) Domestic violence puts children at risk. Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate significantly higher than the national average in the general population, according to the National Woman Abuse Prevention Project in Washington, D.C.

(5) Domestic violence is learned and generational. Studies show that boys who witness family violence are more likely to batter their female partners as adults than boys raised in nonviolent homes. Girls who witness their mothers' abuse have higher rates of being battered as adults.

(6) Domestic violence is progressive. A recent review of probation felony domestic violence offenders in Contra Costa County showed that 38 percent had domestic violence-related misdemeanor convictions.

(7) Substance abuse is a significant factor contributing to, although not necessarily a cause of, domestic violence. In Contra Costa County, the review of probation felony domestic violence offenders showed that 90 percent had documented histories of substance abuse or were under the influence of drugs or alcohol at the time the felony crime was committed.

(8) Domestic violence is costly, both in human and organizational terms. The results of domestic violence have many "hidden" costs, such as job turnover, loss of productivity, school absenteeism, and low school performance, in addition to the high cost of law enforcement, civil and criminal justice, health services, mental health services, substance abuse treatment, human services, and community-based services.

(9) Contra Costa County has declared a "zero tolerance for domestic violence," recognizing that the domestic violence prevention, intervention, and prosecution system is complex and multifaceted, spanning civil, criminal, health, and social service sectors and that, to be effective, there must be alignment in the objectives, protocols, policies, and activities of each sector.

(10) Contra Costa County has determined that achievement of this alignment requires governmental oversight and coordination of the



multiple agencies involved in the domestic violence system. This oversight and coordination is an essential link in a comprehensive effort to eliminate domestic violence.

(11) Contra Costa County is unique in establishing a policy of “zero tolerance” for domestic violence that addresses the full spectrum of prevention, early intervention, response, and remediation, as well as holding participating agencies accountable through specified performance measures and enhancing the automated systems that collect and report data.

(12) Contra Costa County has also determined that the fees authorized by this legislation shall not exceed the cost of governmental oversight and coordination of the domestic violence system.

(13) Contra Costa County has further determined that the fees authorized by Section 26840.7 of the Government Code are not sufficient or allowable for this purpose, as these funds are to be used only for domestic violence centers offering direct services, and are currently fully utilized for this purpose.

SEC. 2. Section 26840.9 is added to the Government Code, to read:

26840.9. (a) The Contra Costa County Board of Supervisors, upon making findings and declarations for the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Contra Costa County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar. The fees shall be allocated pursuant to Section 18308 of the Welfare and Institutions Code.

(c) In addition to the fee prescribed by Section 26840.1, in Contra Costa County, the person issuing authorization for the performance of a marriage or confidential marriage, or the county clerk upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code, shall collect the fees specified in subdivisions (a) and (b) of this section, at the time of providing the authorization.

(d) The Contra Costa County Board of Supervisors shall submit to the Assembly Judiciary Committee and the Senate Judiciary Committee, no later than July 1, 2006, a report containing the following information:

(1) The annual amounts of funds received and expended from fee increases for the purpose of governmental oversight and coordination of



domestic violence prevention, intervention, and prosecution efforts in the county.

(2) Outcomes achieved as a result of the activities associated with the Zero Tolerance for Domestic Violence Act.

(e) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 3. Section 103626 is added to the Health and Safety Code, to read:

103626. (a) The Contra Costa County Board of Supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Contra Costa County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar. The fees shall be disposed of pursuant to the provisions of Section 18308 of the Welfare and Institutions Code.

(c) In addition to the fees prescribed by subdivisions (a) and (b) of this section, any applicant for a certified copy of a birth certificate, a fetal death record, or death record in Contra Costa County shall pay an additional fee to the local registrar, county recorder, or county clerk as established by the Contra Costa County Board of Supervisors.

(d) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 4. Section 18308 is added to the Welfare and Institutions Code, to read:

18308. (a) The Contra Costa County Board of Supervisors shall direct the local registrar, county recorder, and county clerk to deposit fees collected pursuant to Section 26840.9 of the Government Code and Section 103626 of the Health and Safety Code into a special fund. The county may retain up to 4 percent of the fund for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund. Proceeds from the fund shall be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts among the court system, the district attorney's office, the public defender's office, law enforcement, the probation department, mental health, substance abuse, child welfare services, adult protective services,



and community-based organizations and other agencies working in Contra Costa County in order to increase the effectiveness of prevention, early intervention and prosecution of domestic and family violence.

(b) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 5. Due to the unique circumstances of the County of Contra Costa with respect to domestic violence, the Legislature hereby finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special legislation contained in Sections 1 to 3, inclusive, of this act is necessarily applicable only in the County of Contra Costa.

